



**MEDICAL BOARD OF CALIFORNIA  
BOARD OF PODIATRIC MEDICINE**  
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[www.dca.ca.gov/bpm](http://www.dca.ca.gov/bpm)

## INFORMATION ON ADVERTISING

Many doctors advertise in order to attract patients. Doctors who do advertise must comply with certain laws, regulations, and policies. Contact the Board of Podiatric Medicine (BPM) if you have questions.

**Fraudulent, misleading or deceptive ads are unlawful** - §651 of the Business and Professions Code itemizes what information licensed doctors may include in advertisements. It outlaws all types of misleading advertising, including those:

- failing to disclose material facts
- intended or likely to create false or unjustified expectations of favorable results
- failing to disclose variables and other material factors in fees
- causing ordinarily prudent persons to misunderstand or be deceived
- using price descriptions such as "**as low as**," "**and up**," "**lowest prices**"
- using comparisons not based on verifiable data substantiating the claim
- employing bait, discount, premiums, and gifts
- listing prices that are not clearly identifiable for each product or service
- not disclosing dispensing or fitting service fees
- providing unpublicized compensation to the media in return for publicity
- indicating certification from non-approved specialty boards, i.e., boards **other than** the American Board of Podiatric Surgery (ABPS) or the American Board of Podiatric Orthopedics and Primary Podiatric Medicine (ABPOPPM)

Violation of this law is a misdemeanor, and also constitutes good cause for revocation or suspension of the doctor's license. The misdemeanor is punishable by imprisonment not exceeding six months, or by a fine not exceeding \$2,500, or by both. BPM's regulations (Title 16, Article 5, §1399.688) state that DPMs may advertise as authorized by this law so long as the advertising does not promote excessive or unnecessary use of services. §17500 [False or Misleading Advertising] is another generic statute authorizing similar penalties for violations by licensed and unlicensed persons. §2271 provides that violation of §17500 is also grounds for license revocation or suspension.

**Advertising as MD or Podiatric Physician & Surgeon** - Misdemeanor [§2054]. The AMA says the term physician "is *popularly* used by other practitioners of the healing arts whose licenses to practice may be more limited (e.g., doctors of podiatric medicine)." Unless and until state law is changed, do not use the term in advertising.

**Misuse of titles** - §2274 says the listing of any certificate, letters, words or terms for which one is not licensed constitutes unprofessional conduct (grounds for license discipline).

**Use of DPM** - Only persons who have graduated from an approved podiatric medical school and are licensed by the State may use the term DPM. Violation is unprofessional conduct under §2277. §2474 provides that only DPMs or physicians may use the words "podiatrist," "foot specialist," or any other term indicating that they practice podiatric medicine or foot correction as defined in §2472. Violators are guilty of a misdemeanor.

***"Boards are established to protect the people of California."  
Section 101.6, B&P Code***

**Use of title "Doctor"** - It is unprofessional conduct [§2278] to use "Doctor" or "Dr." without further indicating the type of certificate held (i.e., DPM).

**Advertising without use of name** - §2272 requires licensees to use their own name or an approved fictitious name, subject to license discipline. §2285 requires BPM approval for fictitious names. For fictitious name permit information, please call the Medical Board's Fictitious Names office at 916/263-2384. §2415 specifies the terms DPMs may use in fictitious names.

**Runners, Cappers, and Steerers** - Use of these or "other persons to procure patients constitutes unprofessional conduct," under §2273.

Copies of Laws Relating to the Practice of Physicians and Surgeons & Doctors of Podiatric Medicine may be purchased from:

Jennifer Walz  
Medical Board of California  
1426 Howe Avenue  
Sacramento, CA 95825-3236

The cost is \$15.65, including shipping. Checks should be made payable to the "Medical Board of California"